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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,771	02/27/2004	Pieter G. Wybro	MOD013/145573	8450
23444 7590 06/06/2007 ANDREWS & KURTH, L.L.P. 600 TRAVIS, SUITE 4200 HOUSTON, TX 77002			EXAMINER SWINEHART, EDWIN L	
			ART UNIT 3617	PAPER NUMBER
			MAIL DATE 06/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/788,771	Applicant(s) WYBRO ET AL.	
	Examiner Ed Swinehart	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-14,16,23-26,28-32,34-37,39,41,42 and 45-47 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-7,9-14,16,23-26,28-32,34-37,39,41,42 and 45-47 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3,5,7,10-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Finn et al. '284.

Finn discloses the claimed invention, including production risers **16** coupled to a subsea well, and suspended at an upper end thereof above deck, and laterally supported at a lower elevation at **22**.

Re "porch", such fails to define any structure or arrangement so as to define over the table **28**.

Re "plurality of tubular members" and "mooring tendon", since the production risers of Finn also moor the platform, they are mooring tendons. Some may be called "mooring tendons" attached to the porch **28**, while others may be called "tubular members" suspended from an upper elevation (again the porch **28**). There is nothing in the claim to differentiate between the porch and the upper elevation, and therefore such can be the same location.

Re "borders said hull", such fails to define over the passage of the risers/tendons through the hull.

Re "outboard facing", such fails to define over the bottom of the hull, which is outwardly facing.

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3. Claims 1-7,9-14,16 are rejected under 35 U.S.C. 102(b) as being anticipated by White et al.

White discloses the claimed invention, including a column supporting a deck above a submerged hull. Risers, connected in fluid communication with a subsea well, are suspended at **9**, such suspension inherently placing the riser in tension (therefore **9** are "tensioners" as claimed). The risers are laterally supported at a second elevation below the suspension point, at either inwardly or outwardly facing parts of the hull (note figures 6 and 8). Such risers have side entry to the guides.

Since the risers of White are used for mooring (column 8, lines 51-54), and they are in fluid communication with a subsea well, they are both "mooring tendon" *and* "tubular member". Therefore claim 1 fails to define over a rejection based on White.

4. Claims 23,25,26,31,32,34,35,36,39,41,42 and 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas.

Thomas discloses the claimed invention, including an upper deck supported above a submerged hull by a plurality of columns. A plurality of apertures **22** are provided, one for each riser. The risers are suspended from above the main deck by tensioners. Moorings **26** are provided as well. A "bearing assembly" **28** is provided, and permits movement as claimed.

Re claim 23, the "bearing assembly" **40** is affixed to the bottom hull surface, which is an exterior surface.

Re "mooring tendon", such fails to define over the tethers **26**.

Re claim 45, such fails to define over Thomas, as the bearing assembly is disposed at a juncture of the bottom, which is outwardly facing. The word "at" does not mean "on".

The passage **22** may be referred to as a moonpool.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 24 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Eie.

Thomas fails to show the moorings assuming a generally vertical orientation, as they extend in catenaries.

Eie teaches vertically oriented moorings **13**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a mooring arrangement to Thomas as taught by Eie.

Such a combination would have been desirable so as to reduce cost.

7. Claims 23-26,30,31,32,34,35 and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen in view of Eie.

Petersen discloses a series of risers coupled about the interior moonpool perimeter of the hull. The risers are laterally inserted into keel guides, and tensioned by winches which allow vertical movement as is known in the art. Petersen fails to show a mooring.

Eie is applied as above.

8. Applicant's arguments filed 3/38/2007 have been fully considered but they are not persuasive.

Applicant argues that the vessel of Finn is a spar platform moored by catenaries of cable or line.

The platform of Finn is a tension leg platform, as it is moored by the tension legs 16, not cables as argued.

Applicant argues that the platform of White is not a "tension leg platform" as is understood by routineers working in the art.

Since the platform of White is at least partially moored via legs (risers) held under tension, it is the "tension leg platform" as claimed. The arrangement in White may indeed be the prior art as discussed by applicant in the specification, however the claims fail to define thereover. Since the production risers of White function also as mooring tendons, some of which may be referred to as tendons, while others may be referred to as production risers.

Applicant argues that a "tension leg platform" requires generally vertical mooring tendons attached to each corner of the platform.

The examiner does not agree that the claim is so limited. The claim does not positively recite vertical mooring tendons positioned at the corners. Thomas provides tensioned mooring tendons positioned at the corners.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

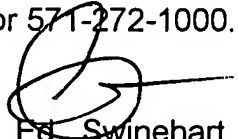
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ed Swinehart
Primary Examiner
Art Unit 3617